

REMARKS

Contemporaneously with the filing of this Response and Amendment, Applicants have filed an RCE. Responsive to the Final Office Action on the merits mailed June 7, 2011, Applicants have studied the Examiner's comments. Claims 1-26 and 59-65 were pending. Claims 1-4 have been amended. Claims 59-65 have been cancelled without prejudice to filing a divisional application. Claims 1-26 remain in the application with only claim 1 being in independent form. In view of the following remarks, Applicants respectfully submit that the application is now in condition for allowance.

Restriction Requirement

The Office Action required restriction of the claims 59-65, stating the following:

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Newly submitted claims 59-65 are directed to an invention that do not relate to a single general inventive concept under PCT Rule 13.1 because:

Group I, claims 1-26 and, drawn to credit card discrepancy data

Group II, claims 59-61, drawn to initiating travel bookings.

Group III, claims 62-65, drawn to travel analysis and itinerary changes in real-time

The groups of inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Vance et al. U.S. Pre-Grant Publication No. 2006/0212321 teaches a corporate travel information system which aggregates travel data in to a common format for interested parties (see para. 59 and 82)

March U.S. Pre-Grant Publication No. 2002 also teaches monitoring the transactions of a financial card in real-time in an effort to manage the transactions of various employees (see the Abstract of March)

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be

restricted, however, since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 59-65 are withdrawn from consideration as being directed to a nonelected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Should applicant traverse on the ground that the inventions have unity of invention (37 CFR 1.475(a)), applicant must provide reasons in support thereof. Applicant may submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. Where such evidence or admission is provided by applicant, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Claims 59-65 have been cancelled without prejudice to filing a divisional application.

Claim Rejections – 35 U.S.C. § 101

The Office objected to claims 1-26 stating the following:

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. Claims 1-26 are directed to a “method” and therefore are considered process claims for the purposes of § 101. A claimed process is eligible for patent protection under 35 U.S.C. § 101 if:

“(1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. See Benson, 409 U.S. at 70 (‘Transformation and reduction of an article ‘to a different state or thing’ is the clue to the patentability of a process claim that does not include particular machines.’); Diehr, 450 U.S. at 192 (holding that use of mathematical formula in process ‘transforming or reducing an article to a different state

or thing' constitutes patent-eligible subject matter); see also Flook, 437 U.S. at 589 n.9 ('An argument can be made [that the Supreme] Court has only recognized a process as within the statutory definition when it either was tied to a particular apparatus or operated to change materials to a 'different state or thing' ') Cochrane v. Deener, 94 U.S. 780, 788 (1876) ('A process is ... an act, or a series of acts, performed upon the subject-matter to be transformed and reduced to a different state or thing.').⁷ A claimed process involving a fundamental principle that uses a particular machine or apparatus would not pre-empt uses of the principle that do not also use the specified machine or apparatus in the manner claimed. And a claimed process that transforms a particular article to a specified different state or thing by applying a fundamental principle would not pre-empt the use of the principle to transform any other article, to transform the same article but in a manner not covered by the claim, or to do anything other than transform the specified article." (In re Bilski, 88 USPQ2d 1385, 1391 (Fed. Cir. 2008)) Claims 1-26 identify neither the apparatus performing the recited steps nor any transformation of underlying materials, and accordingly are directed to non-statutory subject matter. **The Examiner suggests amending the claims to distinguish the apparatus performing the determination steps.**

(bold added)

Claim 1 has been amended to address the rejection, and is now in condition for allowance.

Claim Rejections – 35 U.S.C. § 112

The Office rejected claims 1-26 stating the following:

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out

and distinctly claim the subject matter which applicant regards as the invention.

6. Applicant's amended claims recite limitations regarding "matching in real time the credit card electronic data to the travel electronic data for each of the trips taken by each of the travelers;". It is unclear how the "matching" and the subsequent steps are performed in real-time for trips that have already been taken. Real time implies instantaneously or near instantaneously. It is unclear if Applicant wishes to convey that the matching occurs during travel, as described by newly added claim 62. In claim 62 Applicant describes real-time data being compared while a traveler is in route and still traveling. The newly added claim limitations of claims 1-4 are not clear as to when the steps of matching, consolidating, displaying, etc ... are being performed.

As a further example, claim 2 recites the limitation, "initiating a travel booking process by said first traveler for said first trip between a first location and a second location that includes said first travel expense received by said computer processor; wherein said first analysis is provided in real time by said computer processor to said user immediately after said step of initiating." It is unclear how a user is initiating a booking process that already includes a travel expense, the booking has not yet been completed in order to generate an actual expense. Again as in the recitations of claims 1 and 3-5, the timing at which all these events occur is not clear. For the purposes of Examination, the Examiner is interpreting any real time travel analyzing as meeting the limitations of the claims, (1-4). Appropriate Correction is required.

The Office rejected claims 1-26 as being indefinite. Of the claims rejected, only claim 1 is in independent form.

Claims 1-4 have been amended to address the rejections. Claims 1-26 are now in condition for allowance.

Claim Rejections – 35 U.S.C. § 103

The Office rejected claims 1-26, stating the following:

2. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredericks et al. U.S. Pre-Grant Publication No.

3. As per Claim 1, Fredericks teaches receiving travel and credit card electronic data from the multiple electronic data sources with a computer processor (see para. 24-25 & 44); consolidating the electronic data from the sources with said processor (see para. 29); identifying a portion of the consolidated electronic data that a user is entitled to receive (see para. 71); and supplying said portion of consolidated data to said user with said processor (see para. 71); **Fredericks does not explicitly teach the limitation taught by March generally describes the features of matching card data in real time, as recited by the claim amendments (see para. 61-61) in real time the credit card electronic data to the travel electronic data for each of the trips taken by each of the travelers; consolidating in real time the travel electronic data and the credit card electronic data from the sources with said processor; determining in real time a variance for each of said matched credit card electronic data and travel electronic data for each of the trips taken by each of the travelers, including a first variance for a first trip taken by a first traveler of a first business unit for which a first travel expense is incurred, wherein said first business unit has multiple travelers incurring multiple travel expenses; wherein said step of supplying includes including supplying a first analysis of travel spending for said first trip including said first travel expense and said first variance while.** It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Fredericks to include the teachings of March to track trend of employee spending habits. **Examiner Note:** Due to the 112 rejection above the Examiner has cited March in combination with Frederick to describe the general state of the art relevant to the assumed claim interpretation.

4. As per Claim 2, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches initiating a travel booking process by said first traveler for said first trip between a first location and a second location that includes said first travel expense received by said computer processor; wherein said first analysis is provided in real time by said computer processor to said user immediately after said step of initiating (see para. 71). March teaches real-time travel analyzing. **Examiner Note:** Due to the 112 rejection above the Examiner has cited March in combination with Frederick to describe the general state of the art relevant to the assumed claim interpretation.

5. As per Claim 3, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said portion of said consolidated electronic data further includes data for travel issues further comprising the steps of: comparing in real time said first travel expense with a first travel expense criteria with said computer processor; and displaying said comparison in real time on a computer screen with said computer processor immediately after said step of initiating (see para. 29). March teaches real-time travel analyzing. **Examiner Note:** Due to the 112 rejection above the Examiner has cited March in combination with Frederick to describe the general state of the art relevant to the assumed claim interpretation.
6. As per Claim 4, Fredericks in view of March teaches the method of claim 3 as described above. Fredericks further teaches wherein said portion of said consolidated electronic data further includes data for contract/audit issues further comprising the steps of: comparing in real time all of said travel expenses for all of said travelers of said first business unit with a second travel expense criteria with said computer processor (see para. 28); March teaches real-time travel analyzing. **Examiner Note:** Due to the 112 rejection above the Examiner has cited March in combination with Frederick to describe the general state of the art relevant to the assumed claim interpretation.
7. As per Claim 5, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said sources include one or more corporate card providers, travel agency service providers, and ancillary travel service providers (see para. 26).
8. As per Claim 6, Fredericks in view of March teaches the method of claim 5 as described above. The cited portion of claim 5 meets the limitation of this claim, as the limitations of claim 5 are presented in the alternative.
9. As per Claim 7, Fredericks in view of March teaches the method of claim 5 as described above. Fredericks further teaches, wherein corporate card providers include corporate card data sources (see para. 26 and 45).
10. As per Claim 8, Fredericks in view of March teaches the method of claim 5 as described above. The cited portion of claim 5 meets the limitation of this claim, as the limitations of claim 5 are presented in the alternative.

11. As per Claim 9, Fredericks in view of March teaches the method of claim 5 as described above. The cited portion of claim 5 meets the limitation of this claim, as the limitations of claim 5 are presented in the alternative.

12. As per Claim 10, Fredericks in view of March teaches the method of claim 5 as described above. Fredericks further teaches wherein said steps of consolidating and receiving are is done substantially simultaneously (see para. 68).

13. As per Claim 11, Fredericks in view of March teaches the method of claim 10 as described above. Fredericks further teaches wherein said steps of supplying occurring substantially simultaneously with said steps of consolidating and receiving (see para. 68 and 71)

14. As per Claim 12, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said supplying is performed through a display available to at least one of the business units (see para 71).

15. As per Claim 13, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying is through a display in formats that are configured to be manipulated (see para. 40).

16. As per Claim 14, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying indicates the travelers who have potentially deviated from a policy of the business unit (see para. 69).

17. As per Claim 15, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying of consolidated data highlights includes pricing errors (see claim 29).

18. As per Claim 16, (Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said supplying of consolidated data indicates any traveler who has deviated from the planned itinerary of the traveler (see para. 28).

19. As per Claim 17, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said analysis is configured to be used in a travel budget plan (see para. 27).

20. As per Claim 18, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying of identifies at least one of new destinations, pre-travel approvals, policy exceptions of all travelers, real time tracking of expenditures, requirements for supplier contracts and analysis relative to the current travel, performance measurement, and individual information of a specific traveler (see para. 71).

21. As per Claim 19, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said supplying is performed through one or more computer networks formed by at least one business unit and at least some of each of the travelers, management and suppliers and wherein the suppliers include credit card companies (see para. 45, 53 and 71).

22. As per Claim 20, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying includes the step of sorting the data (see para. 71).

23. As per Claim 21, Fredericks in view of March teaches the method of claim 20 as described above. Fredericks further teaches wherein said step of supplying includes the step of aggregating the data (see para. 71).

24. As per Claim 22, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of supplying of the data includes determining rights to review the data (see para. 71).

25. As per Claim 23, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein there is included the step of calculating real time metrics from said consolidated electronic the data.

26. As per Claim 24, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein there is further included the step of: initiating travel transactions (see para. 22).

27. As per Claim 25, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein said step of initiating travel transactions originates from a display unit used for said step of supplying (see para. 71, the

Examiner is interpreting the display unit used by the traveler as a display unit used to supply the travel data to a manager).

28. As per Claim 26, Fredericks in view of March teaches the method of claim 1 as described above. Fredericks further teaches wherein the suppliers include at least one of any GDSs, travel agencies, credit card companies, and alternate travel data sources (see para. 66).

(bold added except "Examiner Note:")

The Office rejected claims 1-26 under 35 U.S.C. 103(a) as being unpatentable over Fredericks et al. Pub. No. U.S. 2004/0167808 in view of March Pub. No. U.S. 2002/0016763.

The Office admits that the '808 Fredericks patent publication does not teach the following:

Fredericks does not explicitly teach the limitation taught by March generally describes the features of matching card data in real time, as recited by the claim amendments (see para. 61-61) in real time the credit card electronic data to the travel electronic data for each of the trips taken by each of the travelers; consolidating in real time the travel electronic data and the credit card electronic data from the sources with said processor; determining in real time a variance for each of said matched credit card electronic data and travel electronic data for each of the trips taken by each of the travelers, including a first variance for a first trip taken by a first traveler of a first business unit for which a first travel expense is incurred, wherein said first business unit has multiple travelers incurring multiple travel expenses; wherein said step of supplying includes including supplying a first analysis of travel spending for said first trip including said first travel expense and said first variance while.

The Office relies on the '763 March patent publication for the above referenced disclosures. However, the '763 March patent publication does not make such disclosures. The '763 March patent publication proposes a financial transaction system in which a financial card is provided to a recipient with a predetermined amount of funds as requested by a sender. (¶'s 12-13) In paragraph 61 of the '763 March patent publication referenced by the Office, it states as follows:

As recipient 14 uses financial card 17, fund transfer system 10 utilizes a bookkeeping functionality to keep track of usage and to deduct the appropriate amounts so that the amount of value

transferred from financial card 17 does not exceed the predetermined amount stipulated by sender 12.

In the '763 March patent publication, there is no receiving, matching and/or consolidating of travel electronic data and credit card electronic data, much less supplying different analyses of travel spending.

The '808 Fredericks publication and the '763 March publication do not disclose:

1. A travel and credit card data management method for use with travel electronic data and credit card electronic data from multiple real time electronic sources . . . ; receiving the travel electronic data and the credit card electronic data in real time from the multiple electronic data sources with a computer processor; matching in real time the credit card electronic data to the travel electronic data for each of the trips for each of the travelers; consolidating in real time the travel electronic data and the credit card electronic data from the sources with said processor; determining in real time with said processor a variance for each of said matched credit card electronic data and travel electronic data for each of the trips for each of the travelers; identifying in real time a portion of the consolidated electronic data that a user is entitled to receive; supplying in real time said portion of consolidated data to said user with said processor; wherein said step of supplying includes supplying a first analysis of travel spending for said first trip including said first travel expense and said first variance while simultaneously supplying a second analysis of all of said travel expenses for all of said travelers of said first business unit. **(See amended independent claim 1).**

In addition to the '808 Fredericks publication not explicitly teaching the limitation of supplying analysis of travel spending, the '808 Fredericks publication also does not disclose using, receiving, matching, consolidating, determining, identifying, or supplying data in real time. The '808 Fredericks publication proposes a method to compare expense report entries with travel records well after the events have occurred to insure that all the data in the expense report matches with the travel data so as to provide an accurate expense report for reimbursement and vendor payment purposes. As stated in the '808 Fredericks publication: "In one embodiment, the method includes: retrieving travel data records corresponding to travel requests; retrieving expense data records reflecting expense transactions; comparing the expense data records to the travel data records; and determining a likelihood that the expense records match the travel data records." (§ 13; underlining added) "After paying for one or more of the travel events, the traveler submits an expense report. Expense reports serve multiple purposes, including, but not limited to: allowing the employee to be reimbursed for approved out-of-pocket expenses . . ." (§ 27; underlining added) "In one embodiment, the expense management system receives all the travel and expense data and sends it to

the client. The client imports the data to create an expense report, then submits the expense report and the imported travel and expense data is linked to the expense item.” (§ 29; underlining added) Other embodiments are also described, all involving a process of matching travel data well after the events have occurred to create expense reports. As shown in Fredericks FIG. 2: “A traveler 204 uses the client module to create and submit expense reports.” (§ 41; underlining added) Fredericks FIGS. 3 and 4 are flowcharts illustrating proposed scenarios for creating expense reports. “Once the expense report is submitted, expense management steps are performed, such as approving the report . . . The system pays expenses, reimburses the traveler, and pays the corporate card vendor.” (§ 34; underlining added)

The distinction between real time and after the event is significant. For example, it is usually easy for a travel agency to convince a traveler to book an airline or hotel which maximizes revenue to the travel agency, but is in conflict with the desires of the business unit. Real time analysis in the present application, unlike in the ‘808 Fredericks patent, allows for intervention at the point of booking to limit this from occurring. There is no disclosure in the ‘808 Fredericks patent of even an ability on a post-trip basis to go back in time to determine what might have been available to the traveler at a specific point in history. Real time handling and analysis saves the business unit from spending money unnecessarily.

The ‘763 March patent publication also does not propose receiving, matching and/or consolidating of travel electronic data and credit card electronic data, much less supplying different analyses of travel spending. The part of March relied upon by the Office provides: “As recipient 14 uses financial card 17, fund transfer system 10 utilizes a bookkeeping functionality to keep track of usage and to deduct the appropriate amounts so that the amount of value transferred from financial card 17 does not exceed the pre-determined amount stipulated by sender 12.” (§ 61) The ‘763 March patent publication does not propose real time analysis of real time travel electronic data and credit card electronic data.

2. Initiating a travel booking process by said first traveler for said first trip between a first location and a second location and incurring said first travel expense received by said computer processor during said travel booking process; wherein said first analysis is provided in real time by said computer processor to said user during said travel booking process. **(See amended dependent claim 2).** The support for the amendment is in paragraph 229 of the specification.

In contrast, the ‘808 Fredericks publication proposes a non-real time “after the fact” method to match expense report data with other travel data to determine consistency for reimbursement and vendor payment purposes.

The '808 Fredericks publication does not propose a method that may be used at the point of booking, while en route travel is taking place, or at the point in time that an exception to a predetermined travel criteria occurs. The discussion above in paragraph 1 is incorporated herein for the '763 March patent publication, which also does not have such a disclosure.

3. Comparing in real time said first travel expense with a first travel expense criteria with said computer processor; and displaying said comparison in real time on a computer screen with said computer processor during said travel booking process. (See **amended dependent claim 3**).

In contrast, the '808 Fredericks publication proposes a non-real time "after the fact" method to match expense report data with other travel data to determine consistency for reimbursement and vendor payment purposes. The '808 Fredericks publication does not propose a method that may be used at the point of booking, while en route travel is taking place, or at the point in time that an exception to a predetermined travel criteria occurs. The discussion above in paragraph 1 is incorporated herein for the '763 March patent publication, which also does not have such a disclosure.

4. Comparing in real time all of said travel expenses for all of said travelers of said first business unit with a second travel expense criteria with said computer processor; and displaying said comparison of all of said travel expenses for all of said travelers of said first business unit with said second travel expense criteria in real time on a computer screen with said computer processor during said travel booking process. (See **amended dependent claim 4**).

In contrast, the '808 Fredericks publication proposes a non-real time "after the fact" method to match expense report data with other travel data to determine consistency for reimbursement and vendor payment purposes. The '808 Fredericks publication does not propose a method that may be used at the point of booking, while en route travel is taking place, or at the point in time that an exception to a predetermined travel criteria occurs. The discussion above in paragraph 1 is incorporated herein for the '763 March patent publication, which also does not have such a disclosure.

Claims 1-4 are allowable for the reasons discussed above. In addition, claims 2-26 depend from claim 1, which as discussed above should be allowable. The rejected claims 1-26 are not obvious over the prior art.

RCE

An RCE has been filed contemporaneously with the filing of this Response and Amendment.

CONCLUSION

Applicants respectfully submit that all claims are now allowable, and that the case should be advanced to issuance.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered to be exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and difference which Applicants' attorney chooses to mention at this time.

Applicants respectfully submit that all issues have been adequately addressed, that all claims are allowable, and that the case should be advanced to issuance. If the Examiner has any questions or wishes to discuss the claims or remarks, Applicants encourage the Examiner to call the undersigned at the telephone number indicated below.

Date: September 1, 2011

Respectfully submitted,



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